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BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W. - Suite TW-A325
Washington, D.C. 20554

Re: *Oral Ex Parte Presentation*
In the Matter of Performance Measurements and Standards for Interstate
Special Access Services, CC Docket No. 01-321

Dear Ms. Dortch:

On June 2, 2004, Ruth Milkman of Lawler, Metzger & Milkman, outside counsel for MCI spoke by telephone to Christopher Libertelli, and discussed JCIG's reaction to BellSouth's most recent proposal for measuring incumbent LECs' special access performance. Ms. Milkman also provided Mr. Libertelli with a copy of the attached presentation.

In accordance with the Commission's rules, this letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,



Ruth Milkman

Attachment

cc: Christopher Libertelli

ILEC Special Access: Why BellSouth's Proposal Won't Fix the Problem

Joint Competitive Industry Group

CC Docket No. 01-321

May 26, 2004

Poor ILEC Performance Continues to Be a Problem

- ❑ Persistent problems with ILEC performance include
 - Failure to provide timely provisioning of special access circuits
 - Failure to repair circuits promptly
- ❑ These ILEC failures result in increased costs, lost revenues and harm to carriers' reputations
 - End users ultimately bear the burden of service disruptions and other problems caused by poor ILEC performance
- ❑ The FCC should ensure that ILECs meet certain minimal performance standards
- ❑ The Commission must also guard against the possibility that ILECs will discriminate unlawfully between different customers

Any Solution to this Problem Must Begin with Meaningful Measurements

- ❑ Improving Tier 1 ILECs' special access performance requires a comprehensive plan that includes: objective standards, disaggregated reporting and effective enforcement mechanisms
- ❑ The key to any plan, however, is the measurements the ILECs report against
 - Standards and reporting are meaningless without good measurements, and enforcement mechanisms cannot work without proper standards and reporting
- ❑ BellSouth's proposal fails to capture critical data

BellSouth's Proposed Measurements Fail to Capture Necessary Data

☐ Failure to report on “bad news”

- No tracking of what happens to FOCs that are not returned within the time frames proposed under FOCT2 or installation appointments that are not met under PIAM2
- No incentive for ILEC to act once FOC due date has passed or appointment has been missed

☐ Omission of important measures

- Fails to capture
 - Length of time it takes to return a FOC or install service after a due date is missed
 - Number of circuits for which a due date has been missed
 - Magnitude of chronic failures (repeat troubles)

BellSouth's Proposed Measurements Fail to Capture Necessary Data (cont.)

- ☐ Lack of meaningful business rules
 - No definitions for key terms such as “projects”
 - No means of tracking “carrier caused or end user misses”
- ☐ No commitment to provide or retain any of the data underlying the measurements

BellSouth's Proposal Also Suffers From Other Flaws

- ☐ Lack of objective standards
 - Standard is limited to “parity”
- ☐ Insufficient disaggregation
 - Reporting is limited to “BellSouth Aggregate” and “Non-affiliate Aggregate” (IXC/CLEC)
 - Ignores CMRS carriers and end-user customers
- ☐ Departure from industry norms
 - New Installation Trouble Report (NITR1) is limited to troubles that occur within 5 days of installation
 - Industry standard is 30 days (See Qwest Proposal)